



**ORDINANCE NO.     -2005**

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AN AMENDMENT TO THE MONROE COUNTY LAND USE DISTRICT MAP TO INCLUDE A TIER OVERLAY MAP DISTRICT DESIGNATION ON ALL LAND IN BIG PINE KEY AND NO NAME KEY AND DESIGNATING BOUNDARIES FOR TIER I, TIER II AND TIER III AS REQUIRED IN THE MASTER PLAN FOR BIG PINE KEY AND NO NAME KEY AND GOAL 105 OF THE 2010 COMPREHENSIVE PLAN PURSUANT TO THE CRITERIA IN SECTION 9.5-256; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO TRANSMIT A COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Monroe County Board of County Commissioners, during public hearings held in December 2004, January, February, March, April, May and June 2005 reviewed and considered the proposed amendment to provide for a Tier Overlay District Map designation on the Monroe County Land Use District Map for Big Pine Key and No Name Key to implement the Master Plan for Big Pine Key and No Name Key and Goal 105 of the 2010 Comprehensive Plan, Rule 28-20.100 F.A.C. and the Tier Overlay system; and

**WHEREAS**, the Monroe County Board of County Commissioners, during public hearings held on August 18, 2004 adopted the Master Plan for Big Pine Key and No Name Key and Goal 1 directs the creation of Tier maps and Goal 2 directs the County to adopt these Tier Maps as an overlay to the land use district maps; and

**WHEREAS**, the Master Plan for Big Pine Key and No Name Key was created in conjunction with the Habitat Conservation Plan (HCP), a mechanism required by the US Fish and Wildlife Services (USFWS) whereby the concerns and responsibilities of the various public agencies with regard to the Key Deer and other covered species and public and private development on the islands can be coordinated, and;

**WHEREAS**, the HCP utilizes the Tier mapping system and designates all undeveloped lands in Pine Key and No Name Key into one of three tiers to direct future development and preservation initiatives to appropriate areas; and

**WHEREAS**, the Tier Map designation for Pine Key and No Name Key was developed following the HCP, the Master Plan and criteria in Goal 105, utilizing computer mapping (GIS), identifying areas appropriate for additional development and those which are important environmentally and should be preserved; and

**WHEREAS**, Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability; and

**WHEREAS**, the Monroe County Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include: Tier Overlay District Map designations in accordance with Goal 105; and

**WHEREAS**, the tier boundaries for the Big Pine Key and No Name Key Tier Overlay District Map were drawn using environmental and development information and digital data from the HCP, the Planning Department and the Property Appraisers Office; and

**WHEREAS**, Tier I lands are those lands where all or a significant portion of the land area is characterized as environmentally sensitive and important for the continued viability of the covered species; and

**WHEREAS**, Tier II lands are scattered lots and fragments of environmentally sensitive lands primarily located on canals and at a distance from US #1; and

**WHEREAS**, Tier III is appropriate for additional infill development because of the location in conjunction to US #1 and amount of existing development in the areas designated; and

**WHEREAS**, newly created Section 9.5-256, Tier Overlay District, Monroe County Code, provides criteria for the designation of Tier Boundaries and provides a mechanism for Tier overlay maps amendments; and

**WHEREAS**, the Tier Overlay District Map for Big Pine Key and No Name Key, when adopted, will become an overlay to the Land Use District Map; and

**WHEREAS**, the proposed Tier Overlay District Map was reviewed by Dr. Ricardo Calvo, who also was the project manager preparing the HCP; and

**WHEREAS**, the Tier Overlay District Map is the basis of an elegant system for protecting the valuable habitat of the Keys and preventing sprawl, which is referred to as the "Tier System"; and

**WHEREAS**, ROGO and NROGO have been completely redrafted utilizing the Tier System; and

**WHEREAS**, the County Land Acquisition and Management Master Plan will be based on the Tier System; and

**WHEREAS**, the Planning Commission, after hearing public comments and staff input at four public hearings, recommended approval of the Big Pine Key and No Name Key Tier Overlay District Map as an overlay to the Land Use District Map to the Board of County Commissioners on November 3, 2004; and

**WHEREAS**, the Planning and Environmental Resources Department has made changes to the proposed draft map based on reevaluation of specific areas based on requests by community members and land owners; and

**WHEREAS**, the Board of County Commissioners has reviewed the proposed designation of the Big Pine Key and No Name Key Tier Overlay District Map as an amendment to the Land Use District Map, as recommended by the Planning Commission and the Planning and Environmental Resources Department and finds they are consistent with the designation criteria pursuant to Section 9.5-256, Master Plan for Big Pine Key and No Name Key, the Habitat Conservation Plan for Big Pine Key and No Name Key, the Monroe County Code, and are consistent with and further the goals, objectives, and policies of the Year 2010 Comprehensive Plan, particularly Goal 105 and its associated objectives and policies;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

**Section 1.** Pursuant to Goal 105, Year 2010 Comprehensive Plan, the Master Plan and the Habitat Conservation Plan for Big Pine Key and No Name Key, and the designation criteria of Section 9.5-256, Monroe County Code, Tier I, II, and III areas are designated, the boundaries of which are described in the Tier Overlay District Map, attached hereto as Exhibit I, and made part of this ordinance.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 4.** This ordinance shall be filed in the Office of the Secretary of State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

**Section 5.** This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes.

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**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida,  
at a regular meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. , 2005.

Mayor Dixie Spehar \_\_\_\_\_  
Mayor Pro Tem Charles "Sonny" McCoy \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner David Rice \_\_\_\_\_  
Commissioner Murray E. Nelson \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS OF  
MONROE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Mayor/Chairperson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK



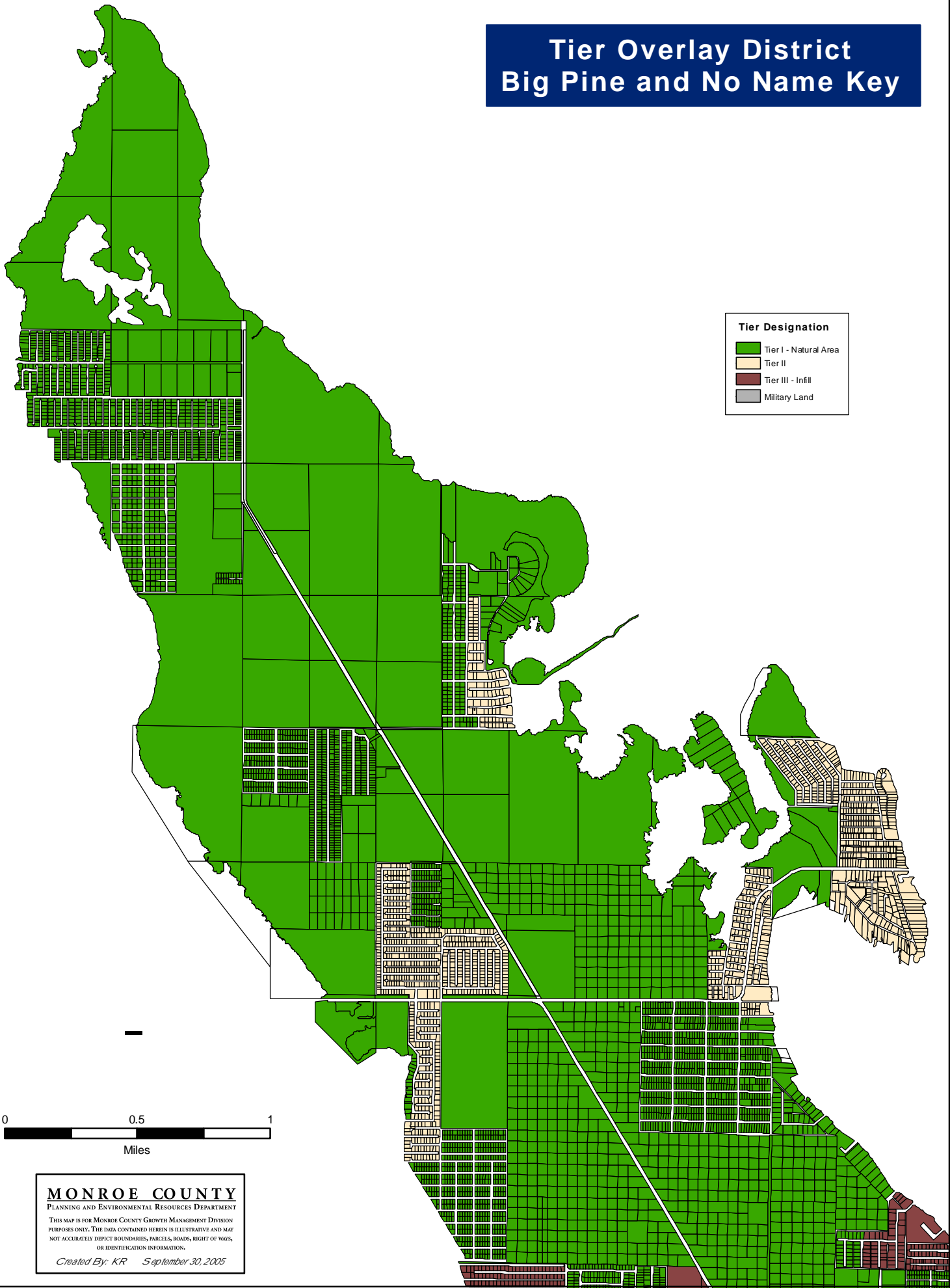
\_\_\_\_\_  
Deputy Clerk

## EXHIBIT ONE

# Tier Overlay District Big Pine and No Name Key

**Tier Designation**

- Tier I - Natural Area
- Tier II
- Tier III - Infill
- Military Land



**MONROE COUNTY**  
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT

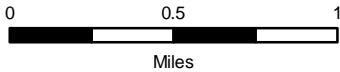
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Created By: KR September 30, 2005

# Tier Overlay District Big Pine and No Name Key

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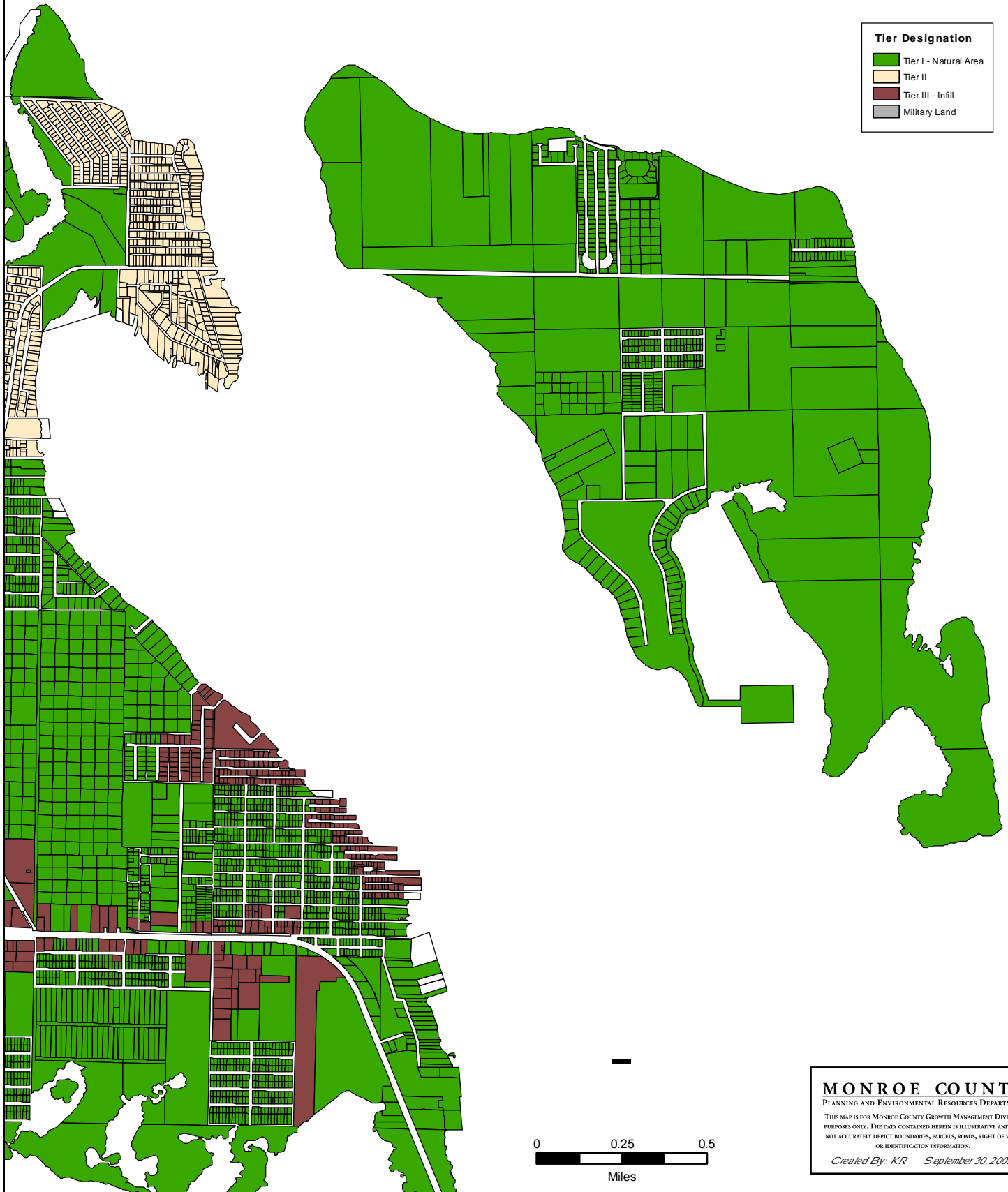


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*Created By: KR September 30, 2005*


# Tier Overlay District Big Pine and No Name Key



# MEMO

October 19, 2005

TO: Monroe County Board of County Commissioners

FROM: K. Marlene Conaway, Director 

RE: Big Pine Key and No Name Key Tier Overlay Map amendment to the Land Use District Map, to implement Goal 105

## Introduction

The first public hearing on this amendment was as part of the Goal 105 implementation amendment hearings before the BOCC since December 2004. It is being brought forward individually because the Habitat Conservation Plan (HCP) and the Incidental Take Permit for Big Pine Key and No Name Key is nearing approval by the USFWS and permitting cannot begin on the islands until the Tiers are adopted. The Tier LDR for the remainder of the County are still under review and will not be recommended for the second public hearing until December.

In March 2003 the BOCC approved the submittal of the HCP, which includes the Tier Maps, in Resolution # 119-2003. On August 18, 2004 the BOCC adopted Ordinance # 29-2004 the Master Plan for Big Pine Key and No Name Key including Strategy 1.1 requiring the creation of Tier maps and Action Item 2.1.2 directing adoption of the Tier maps as an overlay on the Land Use District Maps. The Master Plan was prepared in conjunction with the Habitat Conservation Plan (HCP) for the islands and minimizes impact on the endangered species by encouraging development in areas with minimum habitat and in close proximity to US #1.

Attached is the proposed amendment to Land Use District Map to implement the goal, Rule 28-100, the Master Plan for Big Pine Key and No Name Key, HCP and the Florida Keys Carrying Capacity Study (FKCCS).

## Background

The Master Plan and the Habitat Conservation Plan for Big Pine Key and No Name Key, includes Tier maps designating the lands into one of three tiers. The public hearings on the Master Plan resulted in changes to several developed properties on the islands. The HCP only designates undeveloped privately owned properties. However, requirements for all new development are the same as that in the Master Plan.

The Board of County Commissioners (BOCC), at a regular meeting on January 21, 2004, directed Growth Management staff to prepare an ordinance deferring ROGO and NROGO allocation awards in areas containing tropical hardwood hammock or pinelands of two acres or greater within Tier I - Conservation and Natural Areas (CNA), *while staff prepares draft text and map amendments and other supporting studies* in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan, and Rule 28-

20.100 FAC.

The Planning Commission reviewed the staff proposed draft at a workshop in June and an amended draft in four public meetings in September, October and November 2004. The Planning Commission approved several amendments and voted to recommend the attached draft to the BOCC on November 3, 2004. During the summer three focus group meetings were held; two with the construction industry representatives and one with a group of interested individuals and environmental groups. Several planned meetings were cancelled due to the hurricanes and finally two evening community workshops, one in Key Largo and one in Sugarloaf, were held in October.

### **Tier Overlay Map**

The Big Pine Key and No Name Key Tier Overlay Maps will become a zoning overlay when adopted.





Changes to the maps will follow the procedures in Sec. 9.5-511 of the LDRS. The proposed maps were drafted following the criteria in the Master Plan and the Habitat Conservation Plan for Big Pine Key and No Name Key, Goal 105 and amended Section 9.5-256 Tier Overlay District. One change is recommended to the Tier Overlay Map for the canal side of West Cahill Court from a Tier I to a Tier III. This side of the street is Tier III in the HCP.

The Big Pine Key and No Name Key Tier maps were reviewed by Ricardo Calvo, our consultant, who also was the project manager of the Habitat Conservation Plan. The overlay Tier maps are the basis of an elegant system for protecting the valuable habitat of the Keys and preventing sprawl.

**Adoption of the Big Pine Key and No Name Key Tier Overlay Maps:** The following are the maps including recommended changes to the overlay maps as adopted in the Master Plan for Big Pine Key and No Name Key, the changes have been reviewed and are not in conflict with the HCP:

# Tier Overlay District Big Pine and No Name Key

**Tier Designation**

	Tier I - Natural Area
	Tier II
	Tier III - Infill
	Military Land

South Side of West  
Cahill changed from  
Tier I to Tier III



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